

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

LITTLETON ENVIRONMENTAL SERVICES, INC.,
and its alter ego MADISON EXCAVATING CORP.,

Defendants

and

EASTERN BANK,

Trustee

C.A. No. 05-10011 PBS

NOTICE OF DISMISSAL

Now come the Plaintiffs, Paul J. McNally, as he is Trustee, Massachusetts Laborers' Health and Welfare Fund, et al., pursuant to Rule 41(a)(1), Fed.R.Civ.P., to notify the Court that the Plaintiffs' claim against Defendant Littleton Environmental Services is dismissed.

Respectfully submitted,

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS'
HEALTH AND WELFARE FUND, et al,

By their attorneys,

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Dated: November 2, 2005

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Notice of Dismissal has been served by first class mail upon Defendant Madison Excavating Corp. by its attorney M. Ellen Carpenter at Roach & Carpenter, P.C., 24 School Street, Boston, MA 02108 and upon Defendant Littleton Environmental Services at its last-known address, 41 Robinson Road, Littleton, MA 01460 this 2nd day of November, 2005.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire